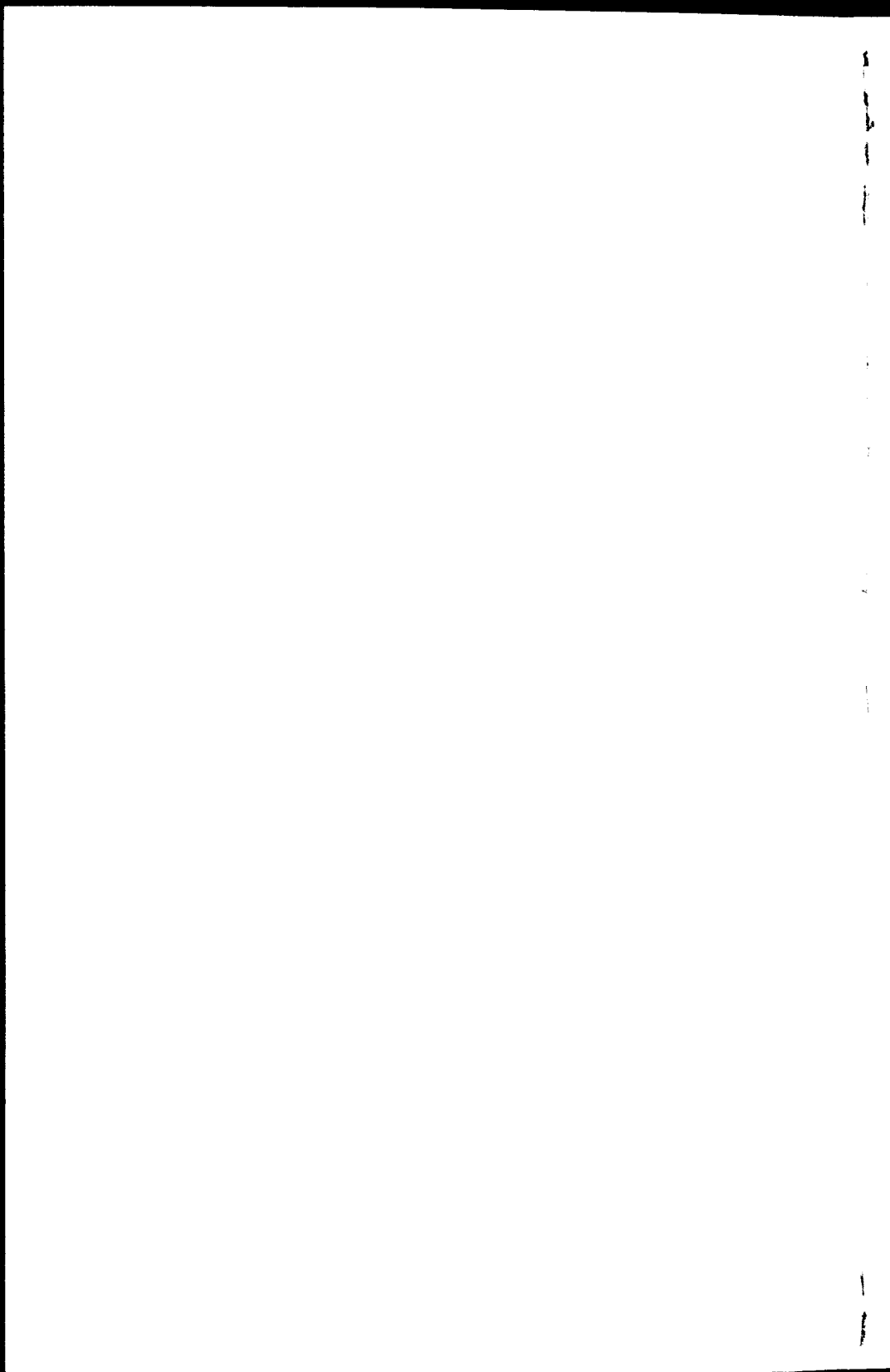


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BETWEEN

NEAR RELATIONS IN HIGH LIFE.

THE TRIAL

OF THE

EARL OF ROSEBERRY

AGAINST

Sir Henry Mildmay, Bart.

"You found me innocent; ah, remember what I was!"

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LETTERS

FROM SIR HENRY MILDMAV.

"I, whose ambition induces me to attempt every thing that could make a man notorious and respected—whose pride of family is exceeded by none—whose views are bounded by nothing in the power of man to attain—I will give up every thing for you. Blest with your society, I will retire from the world—I will consent to live in seclusion with you—

'The world forgetting, by the world forgot.'

I will leave my home, my friends, and all, if you will be the partner of my flight! With you will I roam the world! If you have resolution to accompany me, I will quit the world with you, and bless the hour that gave me all that is dear to me."

"Dearest, dearest of earthly blessings! were any thing wanting to increase the misery into which my unhappy heart has plunged me, it is, that you are a prey to uneasy feelings, although, certainly, less acute than my own. Object of my devoutest adoration—the English language is too weak to express my love for you—sleeping or waking, you alone engross my thoughts. I have heard with alarm that you will leave England on Friday next. I entreat you to devise some means to protract your journey. With what regret do I see, in imagination, the image of her I love in tears; she who always had a smile from me. I have been in love before—at least, I fancied so; but I never felt the all-conquering power till now.

"I shall visit the House of Commons this evening; but I shall attend to nothing that passes there. You request me not to call again, so early in the morning, and I shall obey you. You do not desire me to give the business over altogether. If you had, in that instance only could I disobey you. Methuen's motion is now put off. I wish you to take a walk up Buckten Hill. I will go there; and, if I cannot see you, I must be content to kiss your dear ring, and bless the spot where you may be.

"Your sincere and affectionate HARRY."

"P.S.—I have read this note over, and do not like it. It does not contain one tenth of what I could say. I would be able to say how much I love you, if my head could keep pace with my heart. But you know my heart and inmost soul. Adieu!"

"Cease to annoy yourself with unpleasant reflections—are we to lame. Our hearts are so closely assimilated to each other?"

LETTERS.

"OH, my love! to what has an unfortunate attachment reduced us both! God of Heaven, is it possible! and has my Harriet suffered for her attachment to one so unworthy of her, but one who, among all his faults, will never be charged of infidelity to her. Whatever distance shall be interposed between us, you will ever be present in my thoughts. You desire my secrecy? You say that ——'s earlier departure for Scotland than you expected, will not allow you to go to the masquerade. For God's sake, prevail on him not to go to Scotland so early as Friday. Tell him whatever comes into your thoughts—tell him I will give you up entirely. If you are absent, what can the masquerade have to entice me? By all our loves I implore you—by every happy moment we have passed in each other's arms—by every burning kiss which I have ever implanted on your heavenly lips—contrive to avert this blow. Go, my love, to the Opera; go any where; and don't hang your lovely head. Whatever Roseberry may say, shall have no influence on me; I shall not allow myself to be affected by any impertinence he may choose to adopt towards me; you may rely on my temper."

"THERE is nothing I will not attempt—no mean disguise which I will not assume—no desperate hazard to which I am not ready to expose myself for the sake of passing my life near you—in your heart I know I shall ever be—Friday!!! That will always be a dreadful sounding day to me—Oh, no, no, no! Let what will occur, I shall always reflect with delight that I have been blessed with your love and affection. If I lose you, I will leave my country for ever—you are the only tie which binds me to it. I will leave it, but in what way Heaven, who will be my conductor, only knows. Reflect, angelic creature, that we may never meet more—think that your smile, when your Harry last met you, may be soon turned to a tear on his grave.—Throw all the blame on me—but do not think ill of me, Harriet—no, darling angel, dearest of human beings, I would sacrifice every thing for your sake.....I am mad—raving mad. What! shall I lose my Harriet?—For the sake of Lord Roseberry, I will readily part with my character—he will be satisfied when I have left England.—Adieu! my Harriet! Affect a gaiety, if you have it not.—Once more adieu! Let me but live in your arms. Shall I never more touch thy angel lips?—shall I never more exchange vows with my Harriet? Nothing shall prevent me: our hearts will be ever joined, though we can scarce trust our persons."

"You could not deny to your father that the subject of our conversations have not always been perfectly innocent. What a wretched man am I, who have involved in unhappiness a heavenly creature, whose one smile is worth all the world besides; but I have been blessed in being beloved by my Harriet. Dearest of women, you can judge by your own feelings what mine are—that I am able to pronounce these talismanic words: I have loved, and loved unhappily, but not the less perseveringly—

"Can we not contrive some means of meeting? Be at Ken-

LETTERS.

nedy's, or some other place where I may see you. Saturday, the day which I marked happy in the calendar"—[This alluded to the time when Lord Roseberry had not determined to go on the Friday]—"to turn out so gloomy and so melancholy! I may well say with Johnson, let no man hereafter say to himself, this day will I devote to happiness. My Harriet's sylph-like image is always present to me—it directs all my actions, and governs all my thoughts. My dear Harriet, throw all the blame on me—With your father I took it all on myself. Oh! in my hours of solitude, and they are many, how often do I ask myself why do I love; but my heart reproaches the slowness of my head, and brings to my recollection your many virtues—your myriads of charms. Every sigh, every tear of my Harriet, is embalmed in my heart, which loves you, by Heaven! beyond what all the world besides, with all their loves united, can ever adore again. Kiss all your dear children for me, and see as much of Harry as you can.—Let me have the satisfaction of knowing that he is with you—For our loves' sake let me hear from you. That little squeeze by the finger which you gave me last night, was worth all the delights of the evening. Did you know the pleasure the sight of you gives the most unhappy of men, you would give me a moment's bliss by letting me see you every day in the Park.

"Your affectionate H."

"GODDESS of my idolatry, my charming Harriet! I shall go to the Panorama a quarter before three o'clock, where I shall wait till I see you! I was glad you were not last night at the supper—what would you do among the Bluchers?—I was not at the masquerade—why should I go where my Harriet is not? I think my angel does love me. But, oh! separation! the bare idea is worse than death. I am not, it seems, allowed to hand you to your carriage. I can bear it no longer; and though I would not hurt one hair of his head, but I rather he would take my life than go on as I do now. If it is not possible for me to see my Harriet, I should rejoice if death would release me. My Harriet, if you will take the resolute determination to throw yourself into your Harry's arms, I should have something to bind me to the world, but now I am dreary, desolate, and alone. I see no possibility of our intercourse not being cut off during your stay. After Roseberry has had his satisfaction, he must alter his conduct towards me. I will bear any thing if I am allowed to see you, otherwise I cannot endure his conduct; but he shall not have to say, if in our friendship we have been unfortunate, but that he has met with a generous enemy—If, indeed, he can call me an enemy—*God knows I am not!* Oh! how long the hours till three o'clock will seem—like a love-sick boy, I languish for the hour of our meeting," &c.

"I must see you somewhere where we may give way to our feelings before you go. O! Harriet, can you go? I have formed a thousand romantic schemes of seeing you before you go; I have enlisted as a soldier, I have driven cattle, &c. &c.; all idle day dreams utterly impracticable. For some time past I have worn yellow garters, but I have locked them up. Jest Hulse (his valet) should see them, and wonder where I met with them. Dear little things, which have remained for hours at a time twined round my Harriet's thighs—enchanting idea!"

SHERIFF'S COURT,

BEDFORD-STREET,

SATURDAY, DEC. 10.

Before Joseph Birchall, Esq. and a good Jury.

THE EARL OF ROSEBERRY

AGAINST

SIR H. MILDMAY, BART, M.P.

MR. JONES opened the pleadings. He stated that Neil Primrose, Earl of Roseberry, was Plaintiff, and Sir Henry St. John Mildmay, Bart. was Defendant. It was an action for criminal conversation with the Plaintiff's wife, and the damages were laid at THIRTY THOUSAND POUNDS. The Defendant had suffered judgment by default, and the Jury were called upon to assess the damages.

Mr. Attorney-General observed, the first thing he had to state was, who these parties were—who they were individually and as members of the community, and to add to the melancholy and afflicting task of telling them who they were, as related to each other. The plaintiff was a Nobleman of ancient creation in the northern part of his Majesty's dominions; he was speaking of him here as a man—but as a husband and a father, not having the honour to know him, he could only speak from the information of others, and he understood from a quarter which never deceived him, that it was impossible in language to speak of the noble plaintiff in higher terms than he deserved. He was, as had been well expressed by his Hon. and Learned Friend, (Mr. Solicitor General,) such a man that, if a person of the highest rank had a daughter most dear to him, and of marriageable age, that person could not have found a fitter husband for her than Lord Roseberry; and having united her with him, would have considered all his cares with regard to that daughter at an end. As a husband, the plaintiff was most indulgent, affectionate, and tender, watch-

ing every opportunity of gratifying, not by those frivolities described as constituting the agreeable part of life, but by every thing by which there was a rational hope of conducing to the happiness of her who was the object of his attentions. He married this lady in the year 1808; she was then of the age of eighteen, in the possession of every charm that could captivate, of every ornament and accomplishment that could constitute the happiness of married life. She was the daughter of the Honourable Mr. Bouverie, known as the brother of the Earl of Radnor, but more known by every virtue that could adorn human nature. This lady was one of his daughters. She had been educated in a manner most exemplary; and by her conduct up to the time when she ceased to be under the parental roof, and till the period when the transactions which were the subject of the present suit was distinguished, admired, and looked up to as a lady whose conduct was worthy the imitation of the virtuous. He had stated that she was one of Mr. Bouverie's daughters. Who were the others? The defendants. Sir Henry Mildmay had married one of the others. The defendant's wife had borne him a son, and he had the misfortune to become a widower; he lost his lady in 1810.—It was another part of this melancholy history, that the brother of the defendant was married to another of Mr. Bouverie's daughters, so that this case presented, not a case of adultery alone, not a case of seduction alone, not a case in which it was imputed to the defendant that he had violated all the ties of friendship, and broken down all that belonged to the laws of hospitality; but that he had added to those crimes the additional one of multiplied incest. This was the state of the case he had to present. After the death of Lady Mildmay, at a period when it seemed, and it was to be feared when it only seemed, that Sir Henry Mildmay felt as an affectionate husband might be expected to feel upon that greatest of all possible calamities, the loss of an affectionate wife, the mother of an infant son, where was he so likely to look for consolation as in the highly respectable society of the relatives of his deceased wife. In their affectionate attentions he might naturally expect to find whatever could solace or alleviate his griefs, and upon this subject, as upon every other part of the tragedy he was representing, Sir Henry Mildmay should be his witness; he should be the speaker, and the Jury should judge of him by his own language and sentiment. And, said the Learned Counsel, when the Jury had heard the evidence, they would disappoint not him only, but the justice of the country, if they did not distinguish this case, unparalleled in its atrocity, by a verdict recording the full extent of the damages charged on the record. After a season of retirement in the family of Lord Roseberry, they should hear how Sir H. Mildmay expressed himself on the

subject of the attentions that had been paid to him: Addressing the plaintiff, who was then Lord Primrose, he wrote to him a letter, beginning "Dear Primrose," and stating, that anxious as he was to convey to him his feelings and gratitude for the excessive kindness he had experienced from him and his Lady, he could not prevail upon himself to do so great an act of injustice as to attempt the description. Such was the account which Sir Henry Mildmay gave of his sentiments with respect to this family, he was so impressed with gratitude for the attentions shown him, that he could hardly express his feelings; he was not a common acquaintance; he was not a person, against whose visits to the wife the husband could be supposed to be on his guard. It would be seen how sincere he was in his professions of gratitude, and how safe it was to trust to him—he had returned from retirement to society, and it might be supposed he had overcome the sensations for the loss he had sustained; at this time Lord Roseberry was living in the most affectionate happy state which a man could be supposed to enjoy. It happened that in the month of March in the present year, the late Earl of Roseberry, the father of the plaintiff, was taken ill at his seat in Scotland, and it became necessary that his son and heir should visit his father, to be present in case of that calamity which eventually did happen. Upon his departure for Scotland, Lady Roseberry, attended by the Countess Dowager, left London for their seat in Norfolk; and, during this period, Sir Henry Mildmay was constant in his visits; and he believed the Jury would have no difficulty in persuading themselves most convincingly, that he there availed himself of opportunities to ingratiate himself with this lady to alienate her affections, seduce her mind, and debauch her person. Without some very sufficient cause it must have appeared extraordinary that any one should talk of too marked attentions between two persons situated as Lady Roseberry and the defendant were; he had been married to her sister—his brother had married another—what attentions were there that any body could think improper, or what reason was there that he should not have access to any privacy not in its nature indecorous, to which the Countess Dowager herself might not have been admitted. What frequency of visits could have justified the interdiction of them? but it was considered that nobody else had access to her, and her altered conduct made the husband look about him, and then he observed what he did not approve; he desired the defendant to discontinue the visits he made in a morning, generally choosing a time when Lord Roseberry was not at home. It would appear that the venerable father of this lady had a conversation with the defendant, in which he warned him that he was bringing ruin on all that was valuable within the circle of domestic happiness. Lord Roseberry, finding

necessary to remove from a scene that was irksome, in July retired from London, and went to his seat near Edinburgh. You will be prepared for hearing these letters read, and you will find that Sir H. Mildmay soon after came to Scotland. Why should he not? Answer, Because his conduct had rendered it impossible that he should be permitted to enter Lord Roseberry's house. He should have stated, that during the illness of the late Earl Roseberry, which had called the present Earl to Scotland, and when Lady Roseberry and her mother went to Norfolk, Sir Henry Mildmay's son was a part of the company; this gave the defendant an opportunity of going more into the company of Lady Roseberry than he could otherwise have had a pretence for,—when her altered conduct made it necessary that Lord Roseberry should take her down to his seat in Edinburgh, the family consisted of Lord and Lady Roseberry, the Honourable Mr. Primrose, and the Dowager Lady Roseberry; this was the society in the house, besides occasional visitors. He had observed that Sir Henry Mildmay had formed a project of going to Scotland. Why should he not? What could be more natural than that he should wish to become one of this agreeable party, there was no reason but that his presence had been interdicted in consequence of the altered conduct of this lady, which could have reference only to him, unnatural and horrible as such an idea was. He would be found going down to Scotland, how?—he was a man of high and respectable family, a man of very large fortune. If he was going upon any honourable purpose, he would be found travelling under his own name and with his own equipage, or if he preferred such a journey by the mail-coach, it would at least be expected that he had taken his place in the name of Sir Henry Mildmay. He would be found to have been travelling under the name of Colonel De Grey of the Foot Guards, and finding his way to an inn in the neighbourhood of Edinburgh—for what purpose? It could not be an honourable one. He had been admonished not to pursue this object further; by whom?—by Lord Roseberry, of whom it would be found the defendant had been speaking; that he had carried his dissatisfaction to the defendant so far, that when he met him in the streets he did not bow to him, or speak to him, but let him pass unnoticed. When the defendant reached Scotland under the assumed name of De Grey, he engaged the assistance of a waterman, he let his beard grow, and he will be found in the disguise of a sailor, going out on the same errand every evening. The habit of Lord Roseberry's family was to dine about six o'clock. The ladies retired to the drawing-room about seven, the gentlemen remaining together till about nine, when they joined the ladies. During the period which was marked by the arrival of the defendant in disguise, it was observed that Lady Roseberry, after

dinner did not continue long in the society of her mother, but that as soon as she left the dining-room, she retired to her own bed-chamber; this led to a suspicion that something was going on which was not well. It was conjectured it could be accounted for by no cause except for Sir Henry Mildmay being in the neighbourhood. This led an honourable person, Mr. Primrose, the brother of Lord Roseberry, to observe her on a particular day after she had left the room; he tried the door of the bedchamber, which he found fast locked, though under ordinary circumstances it would not have been so; he then endeavoured to break it open, when the door was opened by Lady Roseberry, and in that room was Sir Henry Mildmay in the disguise of a common sailor, armed with a brace of loaded pistols; a scene took place which the Learned Counsel said he would not attempt to describe, but it ended as might have been expected on the part of a person of such high honour as Mr. Primrose, by a peremptory order to surrender, to leave the house in the same manner he had come into it, clandestinely, which was through the window; Lady Roseberry, at that season of the year, could not quit the house the same night; she was suffered to remain there till the morning; Lord Roseberry, in the mean time, not having the least intercourse with her. Next morning she took her departure, but instead of repairing, as she had requested and been advised, to the house of Mr. Bouverie, she followed the defendant, fained to become his partner for life, on the Continent, to which place he had carried her. Having thus stated the circumstances of the case, he put it to the Jury whether any observations could be required, with a view to the damages. After the disclosure of this scene, by which it was impossible to entertain a doubt of the guilt of the parties, this lady's desk was opened in the presence of Mr. Primrose, and a number of letters were found addressed to her in unhappy succession. The first of these letters began by stating, that the ambition of the defendant induced him to attempt every thing that could make a man notorious and respectable; notorious enough he was, said the Attorney-General, whether he would ever again be respected in society was a question that was not doubtful; the defendant added, that his pride of family was exceeded by none, that his views were bounded by nothing in the power of man to obtain; but he assured Lady Roseberry, that he would give up all for her, that blest with her society he would retire from the world, alike forgetting and forgot,—that he would leave his home, his friends and all, if she would accompany him, that he would roam the world with her, and bless the hour when for her sake he had quitted his friends and connexions. This was the way in which the defendant had stated who he was and what his views were; he had described himself as a man whose

family pride was exceeded by none, and whose ambition was only to be satisfied by attaining every thing he sought after. The letters had no dates to them, but there were circumstances alluded to that marked the periods at which they were written, and shewed that they were written after the visit to Norfolk, and before her departure for Scotland; there were many passages that shewed they were written about the period when the late illustrious visitors to this country were partaking of the festivities prepared for them, and just on the eve of her going to Scotland. From these letters the Jury would entertain no doubt that the criminal act had been accomplished at that time. It would be found that she was addressed in language which a man of the most libidinous character would not have used towards a lady of rank, even if he had succeeded in debauching her person. The Learned Counsel here read passages from letters, the one began, Dearest of Earthly Beings, and stated, that if any thing was wanting to encrease the misery in which his unhappy heart was plunged, it would be the idea that the object of his love was a prey to an uneasy feeling. It stated his alarm at hearing she was to leave England the following Friday, entreated her to devise some means to protract her journey; he expressed his regret of seeing, in imagination, the image of her he loved in tears, who had always a smile for him; he observed to her, that he thought he had been in love before, but he had never felt love's all-conquering power till now. Was it possible to believe, that a man was thus addressing the sister of his deceased wife, by whom he had a son; and that the lady to whom he was writing was the mother of four children, two boys and two girls; from whom he was laying the scheme to withdraw the maternal care of their amiable parent, and thereby inflict upon them the most deadly wound. He then talked of going to the House of Commons, observing, that he would not attend to any thing that was passing there—he urges her to take a walk up Buckton Hill, remarking, if he cannot find an opportunity of meeting her, he must be content to kiss her dear ring. After a variety of passionate expressions, he asks her whether they are to blame if their mutual hearts discover so much similitude. Some of these letters were written at a period, when the most profligate person would have been deterred from writing to the wife of his friend, in such terms and upon such a subject.

In another letter he stated, addressing her as the most agreeable of human beings, that he had just returned from the vile party, meaning some circle of his acquaintance in which he had spent an evening, where he had experienced nothing but agonizing torment. It was her correspondence that was his only consolation; he stated that her manner of leaving Devonshire-house, where there had been a fete given in honour of the Royal Per-

sonages being in England, had stabbed him to the heart. It grieved him to be wished good bye by the dreadful and cold appellation of Sir Henry, instead of dearest Harry. In another letter he stated that it would be difficult to describe what he had suffered in company of some lady to whom he alluded; he described Lady Roseberry as the only creature who made his existence supportable, stating the restless night he had passed, and the dreams by which he had been disturbed, and that he would not for kingdoms pass such another night. It would appear, said the Learned Counsel, from the first of these letters, that this defendant had not quite succeeded in the object of his ambition—the possession of the person of this lady. If the Jury should be of that opinion, they would take, as the measure of their damages, the estimate of the defendant, as to the loss of such a woman, calling her his dearest life, best love, his dearest Harriet, he asks, to what had their unfortunate attachment induced them both. In the former letters there was nothing implying that she was reduced to a state that was any ways compassionate. It would be found that his rule of action was never to leave pursuing that object which he thought was attainable. His ambition was bounded only by the accomplishment of his desires. This had been the language of his former letters. Now he was in an altered state; there could be no doubt, but he had, by this time, accomplished his design of debauching this Lady; he was now lamenting the state to which their unfortunate attachment had reduced them: he observed, that he could not be accused of infidelity to her, adding, that however great might be the distance which separated them, her image would be ever present; he observed, that Lady Roseberry had recommended secrecy—Secrecy! exclaimed the Learned Counsel—secrecy about what—a long and honourable visiting at the house of Lord Roseberry, was that to be kept a secret. It should seem she had made some reproaches to him as to the manner he was gallanting with other ladies, and she had desired him to keep secrecy. Great God! said the defendant, in his letter, could she suppose him so depraved, and so lost to all sense of affection; could she suppose that it was necessary to remind him of the necessity of keeping their love a secret—he urged her for heaven's sake to prevail upon Lord Roseberry to defer going to Scotland, which he had declared his intention of doing, desiring her to represent to him what might be thought of so sudden a step—he desired her to tell Lord Roseberry that she would give him, the defendant, up, provided she might be suffered to stay in town. Addressing her in the terms, Dearest Darling Woman—he implored her, by all their loves, (pretty distinct!) by every happy moment they had passed in each other's arms, by every burning kiss he had imprinted on her heavenly lips, if possible, to defer her departure. It was a happiness to know that he was breath-

ing the same air with her; he recommended her to be cheerful, not to hang down her darling head—to go to the Opera—to drive round the ring in Hyde Park, where he might have an opportunity of a smile from her. With regard to what Lord Roseberry might conjecture, he desired she would not make herself uneasy, she might depend upon his temper; he knew perfectly well that if Lord Roseberry had any conversation with him, it would have been to have reiterated his orders to the defendant not to have any thing to do with the lady, not to repeat his visits; and if he had possessed any sense of the duties which ought to bind men of honour, he should have left off this most criminal pursuit and not have urged it further, intimating at the same time that whatever Lord Roseberry should say, he should command his temper and not offer him any personal insult;—then followed what the Attorney General described as the most profligate paragraph that in the whole course of his life he had ever read.—If a common libertine, a man who by his general conduct had given warning to all fathers and husbands not to admit him within their doors, if such a man had to a stranger in such a way as this defendant had conducted himself to his friend, he could hardly have put to paper the damning sentences which was contained in this letter; he talked (observed the Learned Advocate) of the feelings of an injured husband with the feelings of the adulterer who was thus busied in destroying every thing dear to the husband, so dear, that he (the adulterer) could not be deprived of it without an agony indescribable. If the defendant had been unable to accomplish this incestuous passion, he should have become a voluntary exile, and have left the lady to make some atonement for the injury she had done her husband. This man had told the lady, that no damages which could be asked would be too much for the loss of such a woman, but that still he would not give up the pursuit. Though the husband was the friend of his bosom, the man who protected him, yet from that man he was about to take what was most valuable. What, said the Learned Counsel, could the mind of such a man be made of?

The defendant's letters proceeded to state the misery he should suffer if he inhaled her breath no more, if he was not allowed to take a farewell kiss.—Hypocrisy, base and detestable! exclaimed the Attorney General. This man to be talking of love in terms that would disgrace the obscene books exposed for sale at the Palais Royal. It was impossible for any man to bring his mind to a cool consideration of such a case. It seemed that some men, if they had pleasure in committing the crime of seduction, received still greater gratification by boasting of it and telling their victims to what a state of degradation they were reduced. It would be perceived by his letters that baving

enjoyed the person of this lady, it became his object to blazon forth his triumph, by carrying her away to a distant climate. This was to be effected by working upon her feelings, partly by flattery, partly by exciting her fears, by trying whether she had any latent affection for her husband, and apprehensions for his safety. It would be found, that he had intimated to her that he meant to make Lord Roseberry call him out,—not that he had any intention of shooting Lord Roseberry—no, his object was only to deprive him of his wife, observing that he had given his Lordship satisfaction, by allowing him to fire at him, and firing his own pistol in the air; Lord Roseberry would then, according to the etiquette among men of honour, be obliged to bow to him, and notice him in the street; a reconciliation would be the best thing, and he should then have access to his house as formerly; but should he be driven to despair; if his hope of again meeting his dear Harriet should be disappointed, there was nothing he would not attempt; no disguise he would not assume, no hazard he would not encounter, in order to force his way to this lady. Other parts and passages of his letters, expressed his despair at the idea of her returning to Scotland with her husband, suggesting a variety of modes by which it might be prevented. Among others, stating, that he would readily part with character, and leave England altogether. England he had left, and as to character he had not left much behind him. The Learned Counsel proceeded to read a letter, in which the defendant described an interview he had had with her father. Whatever effect, said the Attorney General, this interview might, for the moment, have had upon the defendant, he soon renewed his guilty passion, turning like the dog to his vomit. The scene he had witnessed with Mr. Bouverie, only furnished him the topic for one of those libidinous letters he was in the habit of writing to this unfortunate lady. One of these letters in which he asked, Was he no more to press her lips? Were they no more to interchange mutual vows of love and affection? He told her that her father would not confine his admonitions to him; he doubted not he would repeat them to her, and he feared that she would not be able to tell her father, that their conversations had been always innocent. With the eloquence of a devil he urged her to cast off her husband, to abandon her duties as a mother and a wife, and to sell herself to perdition. In another part of the letter he desired her to pronounce the talismanic words that she loved him, and then introducing a piece of poetry—

“Tho’ boundless Ocean’s warring wide between my love and me,

“They never can divide my heart and soul from thee.”

Other passages of the letters were read, in which he proposed assignations with the lady, and describing his disappointment

at not meeting her on a particular Saturday, he said, he had marked that day in the Kalendar for a happy one; but well might Dr. Johnson observe, "Henceforth let no mortal say, this day will I devote to happiness." The Jury, said the Learned Counsel, were to give the law by a judgment in this case differing from that which had been given in all others. The Attorney-General here resuming the letters, read one, in which defendant stated to Lady Roseberry, that he loved her better, by heaven! than all the world, with all their loves united! He told her of the happiness he derived on the preceding evening at one of the festivals at Devonshire House, by the little squeeze she gave him on one of his fingers. Having commented upon several other letters, the Learned Counsel read one, in which the defendant stated to Lady Roseberry, that he had for some time past worn yellow garters, but that he had locked them up, because his valet, Hurst, if he should see them, would wonder where he got them; then using an extravagant apostrophe, speaking of the happiness and beatitude of those garters which had for hours, nay for whole nights, been twined round, and encircled his dear Harriet's limbs—bliss unspeakable! The Jury would have an opportunity of hearing examined the honourable relative of Lord Roseberry, who had interrupted the guilty scene at his Lordship's seat in Scotland. There would be nothing in the evidence but what would speak loudly upon the subject of the duty they had to perform. Here was a Noble Lord who had the misery of seeing an amiable and beloved wife losing her rank in society. The defendant, true to his declaration that no impediment should stop him, found his way in disguise to the immediate neighbourhood of the plaintiff's residence, and perpetrated his crime under the very roof of his friend. The Jury would consider the place where this outrage was committed—The defendant selecting the moment when the husband was engaged in offices of hospitality with his own friends—he should add nothing but the condemnation passed on this defendant by the lady herself at the moment of her detection; he thought that if this defendant had the least feeling, or sense of honour, the sentence pronounced upon him by the unhappy partner of his guilt must have been most poignant. When she found she could not retire from exposure, she exclaimed, "Oh! Mildmay, you found me innocent; O! remember what I was." It would be an idle waste of their time to detain them longer. Lord Roseberry had been widowed by this profligate defendant; who knew what the loss of such a wife was, and was sensible of the deprivation he had committed upon the happiness of his friend. The Jury would be able to appreciate the loss a man must sustain, by having the affectionate partner of life, the mother who was to cherish

and educate his children, thus cruelly torn from him, by a man who had no incentive but the gratification of his sensual passions. The Jury, he said, were to tell British society upon what terms they were to live for the future, and they would answer that question well or ill, by giving the whole of, or less than the thirty thousand pounds damages claimed on this record.

Mr. Justice Thompson, from the Consistory Court, Doctor's Commons, produced several letters which had been filed there in consequence of a libel propounded in that Court.

Isaac Hulst was acquainted with the hand-writing of the defendant; the letters produced were his hand-writing. This witness was valet to the defendant.

Frederick John Robinson, Esq. deposed, that he was acquainted with Lord and Lady Roseberry. He had many opportunities of witnessing their conduct in domestic life, and never could have supposed, from what he had observed, that such an event as that under consideration could have taken place.

Lord Binning knew Lord and Lady Roseberry; knew the former previous to his marriage; after their marriage, had opportunities of observing that they lived upon terms of great happiness. The conduct of Lord R. to his Lady was always excessively kind. The kindness was reciprocal. Lady R. was very fond of her children. Sir H. Mildmay had a son, who was nephew to Lady Roseberry.

The Solicitor-General, whose son married a sister of Lord Roseberry, gave evidence to the same effect; he always thought Lord Roseberry's house a perfect scene of domestic happiness.

Lord Folkstone was acquainted with Lady Roseberry the greatest part of her life; Lord Roseberry he did not know till his marriage; Lady Roseberry was daughter to Mr. Bouverie, witness's uncle. From every observation witness made, from a frequent intercourse, no individuals could have lived happier than Lord and Lady Roseberry. They had two sons and two daughters; Lady Roseberry seemed to be very fond of her children.

Cross-examined by Mr. Brougham.—Witness had married Sir H. Mildmay's sister; could not say of his own knowledge, that Sir H. was embarrassed, although he believed the case to be so.

The Hon. Mr. Primrose, brother to the plaintiff, was next called. He knew the present Lady Roseberry previous to and since her marriage, most intimately. From his constant observation, he never saw two people who seemed to live happier together than Lord and Lady Roseberry: they were mutually affectionate. He lost his father in the month of March last,

who was taken ill at his seat in Scotland. Witness, in company with his brother, Lord Roseberry, went down to Scotland, to their father's seat; Lady Roseberry remained in town, with the Dowager Countess of Roseberry, for a week or ten days, and then went down to the Roseberry estate, in Norfolk. The wife of Sir H. Mildmay having died, that Baronet spent some time in Lord Roseberry's family. The first time witness observed any particular change in the conduct of Lord and Lady Roseberry was in Scotland, where witness joined them. He there remarked that they did not live upon good terms: Lord Roseberry did not seem satisfied with his Lady. In consequence of observations which witness made, suspicions were engendered in his mind that Lady Roseberry's demeanour was not correct. Nothing, however, had transpired which led him to believe that there was any thing criminal in her conduct. He never had the slightest suspicion of Sir H. Mildmay. A communication having been made to him on the Tuesday preceding the Saturday on which the final and dreadful discovery was made, which excited in a stronger degree his suspicions, and led him to be more watchful of Lady Roseberry's conduct. On the Saturday, Lord and Lady Roseberry, the Duchess Dowager, and witness, dined together, *en famille*. They dined about six o'clock. As soon as dinner was over, Lady Roseberry and the Duchess Dowager retired as was usual. In about ten minutes after they had retired, the Duchess Dowager returned to the dining-room, and stated certain things which immediately led witness to go out and summon some of his Lordship's servants to his assistance. Having called together three persons, he sent some of them outside of the castle to keep watch, while he and two others, his own servant and Lord R.'s valet, proceeded towards the red bed-chamber, to which there were various ways to approach. This was Lady R.'s chamber. He tried two of the doors which led to the chamber, but found them locked. On coming to the third and finding it locked also, he seized the tongs from the fire-place, and endeavoured to break it open. Lord R.'s servant took the poker and assisted him in this operation. The door being of oak, resisted their blows for some time, but at length it was opened by Lady Roseberry. Sir H. Mildmay was then discovered by the side of the bed which stood fronting a window that opened upon a terrace. The curtains of the bed were not drawn. Sir H. Mildmay was dressed in a large blue jacket and trowsers and a red waistcoat, which was covered with a profusion of small pearl buttons. His beard was much grown, and his appearance altogether so disguised, that witness was obliged to look twice before he recognised him. Sir Harry came forward; witness did not see any thing at the time in his hand. One of them,

the witness could not say which, then said, "We are in your power." Lady Roseberry then, in an entreating tone, called upon witness not to challenge Sir Harry. She exclaimed passionately, "Promise me not to challenge him," which witness did very solemnly, telling her that neither her or any person connected with him over whom he had influence should take such a step. Sir Harry Mildmay or Lady R. then said, he could not tell which, "No person but those present need know any thing of this;" witness said this could not be. Sir H. Mildmay now asked what was to be done? witness said, "I don't know of any other course to be taken than for you to quit the house." Sir H. asked what was to become of Lady R.? witness replied, "The only question is, whether she is to quit the house this night or to-morrow morning." Witness added, that after all that had happened, he was anxious that no further exposure should take place. He also stated, that the house was surrounded, but that he would secure to Sir Harry a safe exit. Sir H. upon this said, "I fancy that no person can say, that a person in my situation cannot command a safe exit." He then held out his hand, in which witness for the first time beheld a pistol. Witness said it would be best that he should leave the house quietly, as he must feel conscious that he was bound to go. Lady R. was now clinging to Sir H. while he was swinging his pistol about in all directions. Witness told him he did not seem to know what he was about, and added, "You had better deliver that pistol to me." Sir H. after some time said he would deliver it up; but upon condition that it should be returned to him on his quitting the house. Witness acceded to this, and Sir H. delivered the pistol, saying, "Be careful how you use it, for it is cocked and loaded." Lady Roseberry now expressed a desire to see her Lord, but witness said this could not be till his Lordship's permission was obtained, and this he should not ask till Sir H. Mildmay was out of the house. Witness here said, he had forgotten to state that about ten minutes after he had got permission to the room, Lady Roseberry shewed symptoms of going into hysterics, and witness procured her some salvolatile, for which Sir Harry Mildmay called in great agitation. After this Sir H. Mildmay walked about in great distress; he said he had nothing to say for himself. Witness finding him delay so long, said, "Really Sir H. you must go." In ten minutes afterwards, Sir H. said, "I will never leave her; you shall not tear me from her!" Witness being now quite out of patience, called to Stretch, Lord R.'s servant, who stood by him, to open the window, which he was

proceeding to do, when Sir H. produced a second pistol. Witness entreated him to be calm; he assured him he meant him no harm, but he must insist upon his going out of the house. He wished him to go quietly, and had no desire to wound his feelings unnecessarily. Sir H. now begged leave to be left alone with Lady R. for a minute. Witness said he would grant this request upon condition of his giving up his second pistol. Sir H. now looked towards him with a feeling of surprise, and exclaimed, "Do you think then that I would do her (Lady Roseberry) any harm?" Witness answered, "No, I do not; but I should not feel myself justified in leaving you together with that pistol." "Well, then," said Sir H. "I will give it up, upon the same condition I did the former." Witness having acceded to this condition, Sir H. delivered it into his hand, saying, as he did when he gave up the former one, "it is cocked and loaded." Witness then left them. On going out Sir H. said, "I desire that no improper conclusion be drawn from our being thus left alone." Witness said, with a smile, "certainly not." On going into the adjoining dressing-room, witness unprimed the pistols and poured water into the pans. In a minute he went back, and again urged Sir H. to go, saying that he would send his brother's servant with him, to prevent interruption. As he was preparing to go, Lady R. jumped up, and exclaimed, "I will see my children; no body shall prevent me!"—Witness flew before her, as she was attempting to leave the apartment, and, with gentle violence, detained her, saying, he could not permit her to go to the children without his brother's leave, and repeating he would not ask that leave till Sir Harry Mildmay was gone. Sir H. here said, "he can do no otherwise." Witness now turned to Sir H. once more, and said peremptorily, "go, Sir Harry, I entreat you to go through the window by which you entered." Sir H. who still seemed unwilling to depart, at length threw himself on his knees before Lady R. and embracing her knees, exclaimed, "Will you forgive me?" Although witness could not hear the answer given by Lady R. he understood her to give an answer in the affirmative. Sir H. then rose and prepared to go. He took up a large plaid cloth from some part of the room, and wrapped it round his person with the utmost deliberation and composure. To Stretch, Lord R.'s servant, who assisted him, he said, "Thank you, Stretch." He then asked for his pistols, saying he might meet with strange people, and on receiving them he took them to the candle and opened the pans; on perceiving the state in which they were, however, he said nothing, but putting them under his jacket, he ran to the window and jumped out. Witness then adverted to the period when he first entered the room; he said, he then remarked, that a neckhandkerchief which Lady Roseberry had worn round her neck at

dinner, was off. She had on a coloured silk gown, which was not cut quite so low in the bosom as the fashion sanctioned; one corner of this, he observed, had become unpinned, but still her Ladyship's bosom was not indecently exposed. On looking to the bed, he perceived that the centre of it, he did not mean the top, was much indented, as if it had been pressed by some extraordinary weight, or as if some persons had leaned forcibly against it. The carpet of the room too which was nailed down immediately opposite this place, was much rumpled and stretched, as if pushed against by feet; it was also dirty, as if it had been so pushed with muddy shoes. He felt it necessary to state, that he perceived the carpet in a muddy state on the Thursday and Wednesday before; on Thursday it was more muddy than on Wednesday, and on Saturday more muddy still. It rained very hard on Wednesday and Thursday. He recollected Lady Roseberry saying to Sir Harry Mildmay in reproachful tones, "You found me innocent, ah! remember what I was!" These were the only words of reproach he heard her Ladyship use. Sir Harry, in the early part of the scene, said, in a speech of considerable length, which he made in defence of Lady R. and in reprobation of himself, "Can you look upon her and not relent." Lord Roseberry did not see Lady Roseberry afterwards. Lady Roseberry had a desk which she usually carried with her when she travelled. From this witness saw Lord R. take a letter, which on reading he seemed much affected. He then delivered the desk into witness's possession. On examination, the letters produced and read that day were found. Lady R. left the house early on Sunday morning.

Cross-examined.—Previous to the Tuesday on which he had received private information of Lady Roseberry's conduct, he was entirely ignorant of any criminal intercourse between her Ladyship and that Gentleman. He knew that Lord Roseberry had forbid Sir Harry Mildmay to visit Lady R. on the Saturday se'nnight previous to her leaving London for Norfolk. Sir Harry Mildmay he had heard was not in very flourishing circumstances at present. During the life of his mother he was not independent; at her Ladyship's death, however, he would come in for a large property.

Mr. F. Stone was then called. He stated that he belonged to the custom-house at Newhaven in Sussex. Sir H. Mildmay, accompanied by a Lady, whom he called Lady Mildmay, departed from thence for France on the 16th of November last. Witness produced an entry signed by Sir Henry Mildmay. They took with them a good deal of luggage and a chariot, which was shipped for France.

Here the Attorney-General closed his case. There were thirty witnesses subpoenaed, but the Learned Counsel feeling his case sufficiently strong without their evidence, did not think it necessary to call them.

DEFENCE.

Mr. Brougham, for the defendant, now proceeded to address the Jury in a speech of great length, eloquence, and feeling. He characterized the duty which had developed upon him, as one of the most painful which had ever fallen to the lot of an advocate; intimate as he was, not alone with one branch of the noble families, whose miseries had become the subject of observation, but with every one of them, and feeling for all the warmest sentiments of respect and esteem. He was aware, the gentlemen whom he addressed, were called upon to do all that they, as men, could do, to assuage the grief—the heart-rending sorrow of the plaintiff; and towards the performance of this task, he should lend his humble assistance. He had no wish, and if he had the wish, he had no instructions, to defend the conduct of his client. If he were to attempt to do so, he was convinced, from his knowledge of the honourable minds of those whom he addressed, that he should do no service to that friend for whom he appeared, not as the apologist, but as one who, while he admitted the existence of wrong, lent his full aid to the administration of justice, tempered by moderation and equity. They were called upon that day to give a verdict, which, while it was consistent with the fair dictates of justice; was sufficient to mark the sense they entertained of the guilt of the defendant, a guilt which was admitted by a plea in the record, and consequently which was not to be palliated by any observation which he could make. In the performance of this duty, they had many mighty considerations to take in view. They must not cast from their recollection the pecuniary circumstances of the defendant, and, in coming to their conclusion, they were bound not to give such damages as would consign him to exile for the rest of his life. Justice should be tempered by moderation, and the overflowing of their eyes, produced by the able, the passionate, the *artful*, address of his learned friend, the Attorney-General, should not wash away the cool, the dispassionate, the equitable, feelings of their hearts. This case had been characterized as the most atrocious that had ever come under consideration; and hence, excessive damages had been demanded. It was scarcely necessary for him to say, however, that the walls of that Court had witnessed many cases which were marked by circumstances far more heinous, and of a deeper and more guilty dye. He dared not, however, attempt to

vindicate his clients' conduct. His hands were bound down by his instructions, which, while they commanded him not to breathe a whisper of reproach against any one branch of the noble families, whose feelings were so deeply interested. The latter of these instructions he was forced to obey. In submitting the case of his honourable friend to the Jury, therefore, he could alone rely upon their discretion, convinced that they would view the case as it was, stripped of all embellishment, and reduced to its plain and unvarnished attributes. If it was possible for them, in forming their judgment, he was satisfied they would dismiss from their minds all those statements which had been made to them in the course of the address which they had heard, which had not been proved. That such statements had been made, their own recollection would bear positive testimony. Among others, it had been insinuated that Sir Henry Mildmay had been ordered by the Hon. Mr. Primrose to go out of the window of Lady Roseberry's bed-chamber, and that he had gone out as he had been ordered, disgraced, spiritless, and lost to all those manly feelings by which he had previously been characterized. The Jury would not fail to remember the evidence of Mr. Primrose upon this subject: they would recal to their view the statement which Mr. Primrose had made, with reference to this circumstance. Did it appear that he had ordered Sir H. Mildmay to depart, and that in a degrading manner, the Hon. Baronet obeyed the order? No—it was clear that he was entreated to go—to avoid exposure, to prevent consequences which all were alike disposed to avoid—there was no order, no mandate which it could have become Sir H. Mildmay to resist—and this imputation, if it had been proved, he could not help thinking would have been worse than all that had been imputed to the Hon. Baronet.—And why? Because it would have called in question that which was dearest to his heart as a man of honour—his courage: and would have forever banished him from that society in which he had before moved with such credit to himself, and honour to the illustrious family of which he was a member.—The Learned Counsel then combated the charge of incest, which had been hurled upon the Hon. Baronet by the Attorney-General, and appealed to the natural connection of the parties, and the legal construction of that connection, as to whether any such charge were founded. He contended that it was totally groundless. He afterwards lamented that Lord Roseberry had not, upon discovering the feelings which subsisted between his Lady and Sir H. M. instead of a conditional restriction upon their intercourse, interdicted it altogether. He was satisfied if that had been the case, the task that day thrown upon the Jury, would have been avoided. In conclusion, he adverted to the circumstance

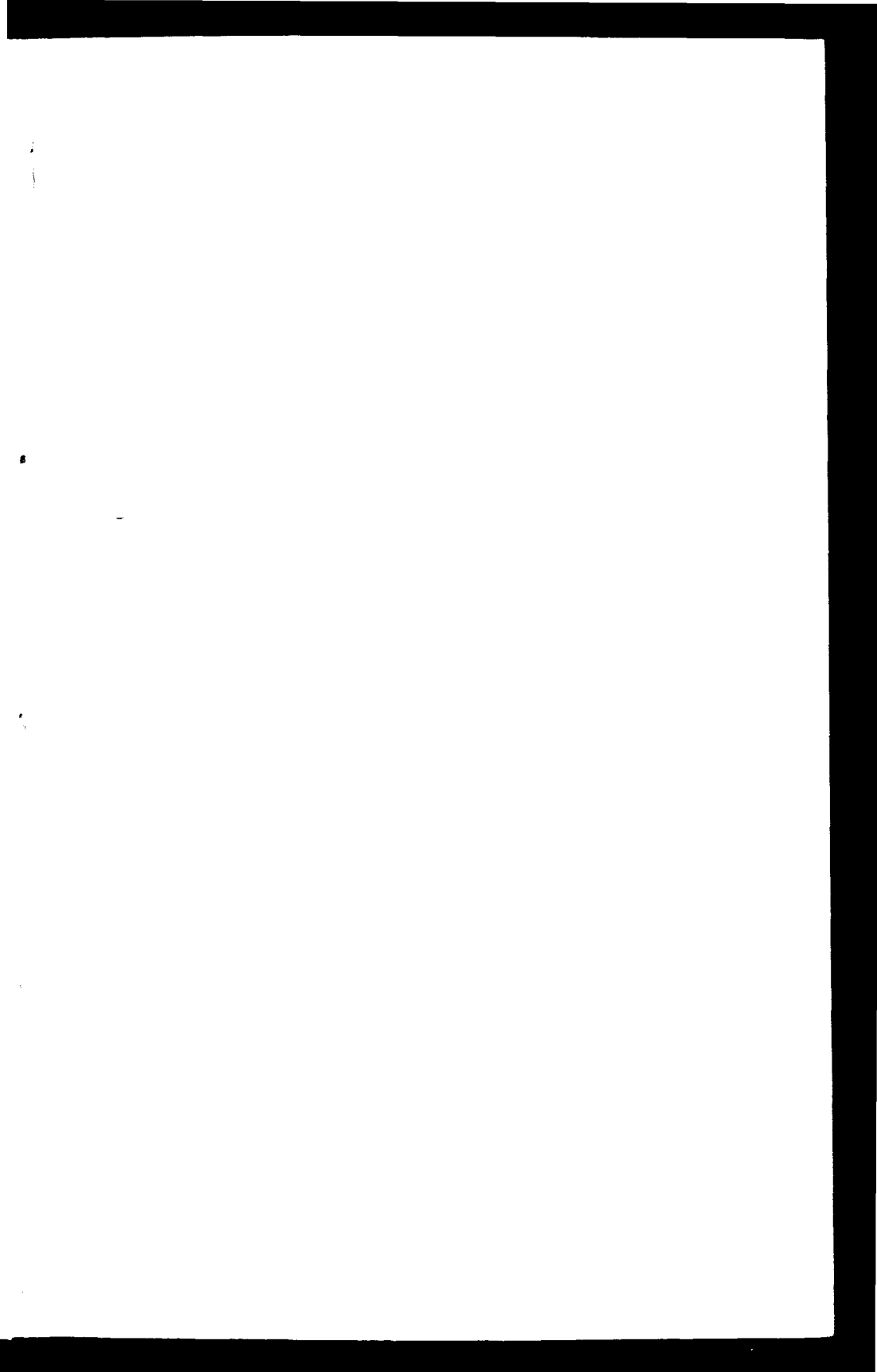
of the parties having been thrown together as the consolers of each other, for a loss which each equally deplored; namely, that of Lady Mildmay.—In the bosom of Lady Roseberry, Sir Harry sought consolation, and unhappily a passion had taken possession of his heart, which, from the complexion of his letters, had assumed rather the character of distraction, than of the cool and calculating feeling which, while it sought the possession of its object, was undistinguished by the finer feelings of the heart.—Finally, he entreated the Jury to recollect the circumstances of the defendant, and, in forming their judgment, to recollect, that they might be called upon to mark their sense of cases, which, in point of atrocity, might far exceed the present.

Mr. Birchall, the Under Sheriff, then proceeded to sum up the case to the Jury, which he did very shortly, observing to them, that they were the Judges upon the occasion, and that it was with them to do that justice between the parties which, upon a fair and impartial view, their own judgment and good sense, guided by a recollection of the injury sustained, and the relative situation of the plaintiff and defendant, might dictate.

The Court was then cleared of strangers, and the Jury were left to their deliberation.

After considering the case for about an hour and a half, the Court was again opened, when the Jury, through the medium of their Foreman, Sir Nathaniel Conant, pronounced a verdict for the plaintiff—Damages, **FIFTEEN THOUSAND POUNDS.**

The Court at eight o'clock adjourned.—The Council for the Plaintiff were, the Attorney-General, Mr. Topping, and Mr. Jones.—For the Defendant, Mr. Brougham and Mr. Soane.



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